National Policy on Match-Fixing in Sport

As agreed by Australian Governments on 10 June 2011

"... Corruption in sport is an emerging and critical issue facing Australian and international sport... the integrity of sport must be protected."

Sport and Recreation Ministers' Council Communiqué, 11 February 2011.

Foreword

This National Policy on Match-Fixing in Sport represents a commitment by the Commonwealth and state and territory governments to work together to address the issue of inappropriate and fraudulent sports betting and match-fixing activities with the aim of protecting the integrity of sport.

This Policy provides the platform for collaboration, and will be underpinned by legislation, regulation, codes of conduct and industry standards.

It is recognised that Australia will best deal with the threat of match-fixing only if there is co-operation and goodwill between governments, sports organisations and the betting industry.

We, the Sports Ministers of Australia, acknowledge the support of our partners in sport and industry. Together we will implement this Policy which will deter match-fixing, and deal with it should it arise, and in doing so we will preserve the integrity of one of Australia's greatest assets – our national sporting heritage.

The Parties have confirmed their commitment on 10 June 2011.

Signed for and on behalf of the
Commonwealth of Australia by
Senator the Honourable Mark Arbib,
Minister for Sport

Signed for and on behalf of the
State of New South Wales by
The Honourable Graham Annesley MP,
Minister for Sport and Recreation

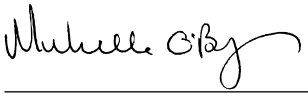
Signed for and on behalf of the
State of Victoria by
The Honourable Hugh Delahunty MP,
Minister for Sport and Recreation

Signed for and on behalf of the
State of Queensland by
The Honourable Phil Reeves MP,
Minster for Child Safety and Minister for Sport

Signed for and on behalf of the
State of Western Australia by
The Honourable Terry Waldron MLA,
Minister for Sport and Recreation, Racing and Gaming

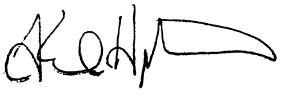
Signed for and on behalf of the
State of South Australia by
The Honourable Tom Kenyon MP,
Minister for Sport, Recreation and Racing

Signed for and on behalf of the
State of Tasmania by
The Honourable Michelle O'Byrne MP,
Minister for Sport and Recreation



Signed for and on behalf of the
Australian Capital Territory by
Mr Andrew Barr MLA,
Minister for Tourism, Sport and Recreation

Signed for and on behalf of the
Northern Territory by
Mr Karl Hampton MLA,
Minister for Sport and Recreation



1. Context

1.1 Match-fixing involves the manipulation of an outcome or contingency by competitors, teams, sports agents, support staff, referees and officials and venue staff. Such conduct includes:

a. the deliberate fixing of the result of a contest, or of an occurrence within the contest, or of a points spread;

b. deliberate underperformance;

c. withdrawal (tanking);

d. an official's deliberate misapplication of the rules of the contest;

e. interference with the play or playing surfaces by venue staff; and

f. abuse of insider information to support a bet placed by any of the above or placed by a gambler who has recruited such people to manipulate an outcome or contingency.

1.2 All Australians expect that the sport they watch or participate in is played honestly and to the ideals of fair play and good sportsmanship. Match-fixing and the corruption that flows from it, is not limited to professional or high profile sporting codes. Match-fixing has occurred in smaller sports, in lower grade team competitions and in individual events.

1.3 Match-fixing in sport is often motivated by the opportunity for significant financial or other personal gain through the manipulation of the result. Sports betting agencies provide opportunity for high sums to be gambled on sporting events with the prospect of very high returns. These potentially high returns can provide strong incentives to influence results of sporting fixtures.

1.4 While it is recognised that betting is a legitimate pursuit, illegal or fraudulent betting is not. Fraudulent betting on sport and the associated match-fixing is an emerging and critical issue globally, for sport, the betting industry and governments alike. It has the potential to undermine public confidence in the integrity of sport, sporting events and the products offered by betting agencies. Left unchecked, this corruption will devalue the integrity of sport and diminish the acceptability and effectiveness of sport as a tool to develop and support many aspects of our society.

1.5 This Policy is underpinned by the following agreed principles:

a. a nationally-consistent approach to deterring and dealing with match-fixing in Australia;

b. information sharing and highly efficient networks between governments, major sports, betting operators and law enforcers;

c. consistent national code of conduct principles for sport; and

d. active participation in international efforts to combat corruption in sport including an international code of conduct and an international body.

1.6 Irregular and fraudulent sports betting is on the rise around the globe. Figures provided by Interpol on illegal and irregular sports betting state that over US$140 billion is generated annually by illegal betting. This is threatening the credibility of sports around the world.

1.7 At the international level, there is increased focus on cross-border collaboration, with an emerging push for an international information-sharing, monitoring, investigation and enforcement agency. Australia is actively working with other like-minded nations to ensure that international measures are developed and put in place that further safeguard Australian sport from international criminal activity. The demonstration of a robust and comprehensive domestic policy will ensure our voice is heard on the international stage.

1.8 Deterring and dealing with match-fixing in sport will be complex. It is the intention that governments will work collaboratively with Australian sporting organisations and the Australian betting industry in a manner consistent with the spirit and intentions of this Policy.

2. Purpose

2.1 The Policy aims to maximise public confidence in the integrity of sport and to ensure a level playing field, by:

a. articulating the roles, responsibilities and aspirations of all Australian governments, sporting organisations and the betting industry;

b. making a commitment to pursue nationally-consistent legislative arrangements and standard requirements across all governments, sporting organisations and the betting industry in regard to match-fixing in sport; and

c. detailing the approach to implementation of the Policy.

2.2 The Policy also provides a basis for Australian international credibility to actively participate in international reforms to achieve similar international outcomes.

2.3 Through the Policy all Australian governments commit to a collaborative coordinated effort to safeguard Australian sport from inappropriate and fraudulent sports betting and match-fixing activities.

3. Role of Government

3.1 All Australian governments agree that they have a major obligation to address the threat of match-fixing and the corruption that flows from it.

3.2 In advancing this, all jurisdictions will ensure that the legislative framework in Australia accommodates the particular issues associated with match-fixing and the offences that arise from match-fixing.

Nationally applied legislation

3.3 All Australian governments agree to pursue nationally consistent legislative arrangements to address the particular issues of match-fixing.

Criminal offences to deter and deal with match-fixing

3.4 All Australian governments agree to pursue, through Attorneys General, a consistent approach to criminal offences, including legislation by relevant jurisdictions, in relation to match-fixing that provides an effective deterrent and sufficient penalties to reflect the seriousness of offences. Governments note the approach to implementation of such provisions may vary in jurisdictions depending on existing legislative arrangements.

Arrangements between sports and betting agencies.

3.5 All Australian governments agree to pursue nationally consistent legislative arrangements that provides:

a. a 'Sport Controlling Body' for each sport or competition to be identified and registered by an appropriate regulator, for example, a state or territory gaming commission, and be recognised in each jurisdiction;

b. the Sport Controlling Body to deal with betting agencies, licensed in any state or territory, on behalf of their sport; and

c. the Sport Controlling Body to register all events subject to betting with the relevant regulator.

3.6 All Australian governments also agree that this legislation, or binding agreements made pursuant to legislation, will deal with arrangements between the Sport Controlling Body and betting agencies including:

a. requirements that a sporting organisation must apply to the appropriate regulator for approval as the Sport Controlling Body for a sports betting event;

b. requirements that a betting agency must not offer a betting service on an event unless:

i. an agreement is in effect between the registered Sport Controlling Body and the betting agency; or

ii. a determination of the appropriate regulator is in effect for the betting agency to offer a betting service on the event;

c. requirements for betting agencies to obtain agreement from the sporting organisation on all bet types offered on the sport involved, including what level of competition bets may offered on (for example, minor leagues versus premier leagues), with sports having the ability to veto bet types; and

d. arrangements for financial return to the sport based on betting on that particular sport.

3.7 Governments note the approach to implementation of such provisions may vary across jurisdictions depending on existing legislative arrangements.

3.8 All Australian governments agree that provisions under this legislation may cover:

a. definitions of sports betting, sports betting events, sports betting providers, a betting service, sport controlling body and an appropriate regulator;

b. requirements for the sporting organisation to provide the betting agency with information regarding their members (players, staff) and relevant competition/event details;

c. provision for information to be referred to the appropriate regulator or law enforcement agency in the event of an incident;

d. facilitation of international information sharing where appropriate (eg in trans-Tasman sporting competitions);

e. approval of events and competitions of any kind for sports betting purposes, and of bet types relating to those events and competitions, by an appropriate regulator (with the exception of horse, harness or greyhound racing);

f. provision for the appropriate regulator to have the right to seek information it thinks fit from betting agencies and the relevant sporting organisation to assess sports betting applications;

g. provision for the appropriate regulator to have the right to impose any conditions it thinks fit to provide approval of an event at the time of giving the approval or at any later time;

h. approvals that will be controlled by the appropriate regulator including approval conditions, variation and revocation of approvals, application process, determination of applications and duration and surrender of approvals, costs of investigating applications, and mechanisms to manage objections, disputes and tribunals;

i. the range of matters the appropriate regulator will consider when assessing events for sports betting eg integrity risks, the sport organisation's capacity to administer and enforce rules or codes of conduct to ensure the integrity of the event or competition;

j. specification of reporting and publication requirements of the appropriate regulator to government, the public and other agencies as required;

k. provision that the Sport Controlling Body may make an agreement with a betting agency for the betting agency to offer a betting service on the event and under the agreement the parties will:

   i. provide for the sharing of information between a sport controlling body and a betting agency for the purposes of protecting and supporting integrity in sport and sport betting; and

   ii. state whether or not a fee is payable by the betting agency to the sport controlling body in respect of betting on the sports betting event and if a fee is payable, what the fee is or how it is calculated.

l. a betting agency must not accept, offer to accept, or invite a person to place, a bet; or facilitate the placing of a bet on a contingency that is the subject of a prohibition.

3.9 All Australian governments recognise that smaller sports will need assistance to adjust and adapt their policies and practices to meet the requirements of the new national provisions. The mechanism to achieve this will be discussed among governments and with sporting organisations and betting agencies and will be resolved in accordance with the arrangements outlined below in the section on implementation.

National Oversight and Coordination Function (a National Integrity of Sport Unit)

3.10 All Australian governments agree that a national approach to governing the implementation of this National Policy is required. The adoption of this approach will require co-operation and collaboration across Commonwealth agencies, state and territory governments, their gaming commissions, sporting organisations and betting agencies, to ensure the policy is consistently applied. The specific arrangements will be finalised in accordance with the arrangements outlined below in the section on implementation.

3.11 In recognition of the need for national coordination, monitoring and reporting, the Commonwealth Government will establish a National Integrity of Sport Unit.

3.12 All Australian governments agree that the functions associated with this approach will include:

a. supporting and as required, reviewing information sharing and monitoring protocols to expand networks between governments, sports, betting industry and law enforcement agencies;

b. supporting the development of industry capacity to ensure the integrity of sport in all sporting codes including practical and financial support for smaller sports where necessary;

c. ensuring sports have the capacity either internally or through an independent body, to undertake investigations into betting impropriety;

d. monitoring compliance of stakeholders in relation to the application of the national code of conduct principles;

e. facilitating the adoption of National Code of Conduct principles by all sports;

f. resolving disputes as appropriate over issues of concern arising from the implementation of the national policy;

g. developing protocols for sanctions by sports and referral of criminal activity to law enforcement agencies; and

h. supporting international efforts to combat corruption in sport through information sharing arrangements.

Funding Agreements with Sports

3.13 Considerable public money is provided to sporting organisations in recognition of the significant role they play in Australian society.

3.14 Consequently, all Australian governments agree to make new and ongoing funding to sports on which there is betting conditional on the sporting organisations developing and implementing appropriate anti-match-fixing and anti-corruption policies and practices, including codes of conduct and sanctions regimes.

4. Role of the Sporting Organisations

4.1 It is the intention of this Policy that governments will work in partnership with sporting organisations or Sport Controlling Bodies and the betting industry to ensure the integrity of Australian sport is protected from the threat of match-fixing and the corruption that flows from it.

4.2 As part of this Policy, sporting organisations or Sport Controlling Bodies will be expected to:

a. adopt an anti-match-fixing/anti-corruption code of conduct which aligns with nationally agreed principles – see paragraph 4.5 for details;

b. apply the code of conduct to all players, player agents, support personnel, officials and staff;

c. apply a disciplinary framework within the code of conduct including sanctions and appropriate investigative processes with minimum and meaningful sanctions;

d. develop and enter into national integrity agreements with betting organisations in relation to the provision of betting and information sharing on the sport involved by July 2012;

e. provide appropriate information to betting agencies to support preventative and investigative measures in a timely manner;

f. provide appropriate education of players, player agents, support personnel, officials and staff on their responsibilities under the code of conduct and to provide information on match-fixing to assist with prevention, detection and disciplinary actions in accordance with this policy;

g. liaise with and report to the relevant government agencies including the over-sighting/coordinating agency; and

h. provide and exchange information on suspected match-fixing or corrupt activities with the over-sighting/coordinating agency, betting agencies, and law enforcement agencies.

4.3 For smaller sporting organisations or smaller Sport Controlling Bodies, in recognition that governing organisations may have limited capacity to establish self-governing arrangements, these sports will be assisted by the over-sighting/coordinating agency and will be subject to the code of conduct principles as provided at 4.5.

4.4 This Policy recognises that Sport Controlling Bodies must reach specific integrity benchmarks to gain approval to be part of a sports betting regime.

4.5 With respect to an anti-match-fixing/anti-corruption code of conduct, sporting organisations and Sport Controlling Bodies agree that the code will restrict players, player agents, support personnel, officials and staff, directly or indirectly, engaging in the following conduct:

a. betting, gambling or entering into any other form of financial speculation on any match or on any event connected with the sport involved;

b. inducing or encouraging any other person to bet, gamble or enter into any other form of financial speculation on any match or event or to offer the facility for such bets to be placed on the sport involved;

c. 'tanking' (including, in particular, owing to an arrangement relating to betting on the outcome of any match or event) other than for legitimate tactical reasons in line within the rules of the respective sport;

d. inducing or encouraging any player to 'tank' (including, in particular, owing to an arrangement relating to betting on the outcome of any match or event) other than for legitimate tactical reasons within the rules of the respective sport;

e. for money, benefit or other reward (whether for the player him or herself or any other person and whether financial or otherwise), providing insider information that is considered to be information not publicly known such as team or its members configuration (including, without limitation, the team's actual or likely composition, the form of individual players or tactics) other than in connection with bona fide media interviews and commitments;

f. any other form of corrupt conduct in relation to any match or event connected with the respective sport;

g. failing to promptly disclose to the sporting organisations or Sport Controlling Bodies that he or she has received an approach from another person to engage in conduct such as that described in paragraphs (a) – (f) above;

h. failing to promptly disclose to the sporting organisations or Sport Controlling Bodies that he or she knows or reasonably suspects that any current or former player or official or any other person has engaged in conduct, or been approached to engage in conduct, such as that described in paragraphs (a) – (f) above;

i. failing to promptly disclose to the sporting organisations or Sport Controlling Bodies that he or she has received, or is aware or reasonably suspects that another player or official or any other person has received, actual or implied threats of any nature in relation to past or proposed conduct such as that described in paragraphs (a) – (f) above; or

j. conduct that relates directly or indirectly to any of the conduct described in paragraphs (a) – (i) above and is prejudicial to the interests of the sport or which bring him or her or the sport into disrepute.

4.6 Sporting organisations and Sport Controlling Bodies will be responsible for the application of appropriate responses to breaches of their code of conduct acknowledging that penalties should be broadly consistent across sporting codes and reflect the severity of the breach.

4.7 In developing these principles, all governments acknowledge the significant work already undertaken by many sports to develop their integrity systems and put in place codes of conduct that address the threat of match-fixing. The general principles specified above have been drawn from these existing principles.

5. Role of the Betting Agencies

5.1 All Australian governments agree to work with betting agencies in the implementation of this policy.

5.2 As part of this Policy, betting agencies will be asked to:

a. adopt an industry standard for information exchange and information provision requirements with sports, governments and law enforcement agencies by July 2012;

b. develop and enter into national integrity agreements with sporting organisations in relation to the provision of betting and information sharing on the sport involved by July 2012;

c. guarantee confidentiality of information provided by sports to the betting agencies;

d. collaborate with sports and law enforcement agencies and the appropriate regulator on the provision of information to assist detection and investigation of suspicious activity or breaches of the relevant code of conduct for that sport; and

e. provide a share of revenue to implement this policy, including to sports.

6. Implementation, Policy Oversight and Governance

6.1 All Australian governments agree to support the establishment of a cross-portfolio/ cross-jurisdictional working group to facilitate the development of nationally consistent arrangements consistent with this National Policy. This working group will provide an implementation work plan to Sports Ministers within three months, which will include an assessment of the readiness of the sporting organisations and the betting industry to pursue the requirements under this Policy.

6.2 All Australian governments agree that this work will also include advice on national governance arrangements for the long-term oversight of this policy and will require consideration by Attorneys General and possibly other Ministers.

7. Associated Considerations

7.1 It is recognised that there are a number of other issues for consideration which, while of broad relevance to this policy, are more appropriately dealt with in other forums. These include considerations associated with cash betting limits, live on-line betting during an event, specialist investigative law enforcement officers or units and advertising of betting products, noting the Australian Government's recent announcement to work with the sporting and betting industries to reduce and control the promotion of live odds during sports coverage through amendments to their existing industry codes.

7.2 The Australian Government has recently announced a review of the operation of the *Interactive Gambling Act 2001,* including examining how harm minimisation measures can be improved for online gambling services. It will consult widely with states and territories, sports, the betting industry and the broader community in undertaking the review.

8. International Options

8.1 All Australian governments agree to support Australian participation in international debate and initiatives to protect the integrity of sport globally.

8.2 At a minimum, Australian governments will provide support for international arrangements which provide:

a. monitoring of irregular sports betting on international events (such as Olympics Games and world championships) through the IOC and international sporting federations;

b. the development of formal information sharing arrangement through the proposed over-sighting/coordinating agency; and

c. the development of agreements between sports betting agencies and international sporting federations relating to return of revenue for international events.

8.3 The Australian Government agrees to pursue relationships with the international sporting movement, and betting agencies when opportunities arise in international forums such as the International Olympic Committee Working Group on the Fight against Irregular and Illegal Betting on Sport.

8.4 Failing development of an international agreement or treaty, the Australian Government will seek to formalise information sharing arrangements with appropriate bodies in other nations.